



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Brows by Linnie Inc, Owner
Brows By Linnie
14502 Beach Blvd., Ste D
Westminster, CA 92683

INSTITUTION CODE: Unapproved
CITATION NUMBER: 2122112
CITATION ISSUANCE/SERVICE DATE: January 5, 2022
DUE DATE: February 4, 2022
FINE AMOUNT: \$ 50,000.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager for the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Brows by Linnie Inc, Owner of Brows By Linnie, (Institution) located at 14502 Beach Blvd., Ste D, Westminster, CA 92683 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violation(s) described below.

BACKGROUND

On August 9, 2021 the Bureau received an anonymous complaint alleging that the Institution operates as a private postsecondary institution without Bureau approval. Through the course of the investigation and evidence obtained, it was determined that the Institution is operating without Bureau approval or a valid exemption.

VIOLATION

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p><u>Violation:</u> CEC Section 94886. Approval to Operate Required <i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”</i></p> <p>CEC Section 94817.5. Approved to Operate or Approved <i>“Approved to operate” or “approved” means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.”</i></p>

CEC Section 94868. To Offer to the Public

"To offer to the public" means to advertise, publicize, solicit, or recruit."

CEC Section 94869. To Operate

"To operate" means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided."

On August 9, 2021, the Bureau received a anonymous complaint that the Institution was operating without Bureau approval.

On August 27, 2021, Bureau staff reviewed the Institution's website and found the following courses offered:

- Orange County two (2) day, Small Intimate Ombre Powder and Microblading Training: \$2,600 with \$200 deposit, August 25 & 26 or November 3 & 4, 2021
- Orange County three (3) day, Beginners Group Training + Live Model: \$3,500 with \$300 deposit, January 10, 2022
- Orange County three (3) day, Beginners Group Training + Live Model: \$3,600 with \$300 deposit, January 18, 2022
- San Jose CA two (2) day, Ombre Powder and Microshading Group Training: \$2,600 with \$300 deposit, August 13 or November 19, 2021
- Orange County two (2) day, Ombre Powder and Microshading Group Training: \$2,600 with \$300 deposit, August 20, 2021
- Los Angeles CA two (2) day, Ombre Powder and Microshading Group Training: \$2,600 with \$300 deposit, June 18 & 25, August 22, or November 19, 2021 or January 14, 2022
- Fresno CA two (2) day, Ombre Powder and Microshading Group Training: \$2,600 with \$300 deposit, November 12, 2021
- Sacramento CA two (2) day, Ombre Powder and Microshading Group Training: \$2,600 with \$300 deposit, May 21 or November 22, 2021
- San Francisco CA two (2) day, Ombre Powder/Microshading Group Training: \$2,600 with \$300 deposit, May 23 or May 24 or November 23 or 24, 2021
- Los Angeles two (2) day, Ombre Powder/Microshading Group Training: \$2,600 with \$500 deposit, January 15, 2022
- San Diego two (2) day, Ombre Powder/Microshading Group Training: \$2,600 with \$500 deposit, January 15, 2022
- Orange County two (2) day, Ombre Powder/Microshading Group Training: \$2,600 with \$500 deposit February 20, 2022

That same day, Bureau staff reviewed the Institution's website and all the trainings over \$2,500 had been removed.

On September 7, 2021, Bureau staff sent email correspondence to the Institution asking questions regarding if the prices listed are up to date, if deposits are separate from the tuition prices, if enrollment agreements are signed by students, where trainings are located, and if prices differ for online training versus live trainings.

On September 20, 2021, Bureau staff received email correspondence from the Institution's Attorney stating that he will provide an update after he speaks to the Institution's Owner.

On October 4, 2021, Bureau staff sent email correspondence to the Institution's Attorney inquiring if he had the opportunity to speak to the Institution Owner regarding the questions that the Bureau provided to the Institution.

On October 7, 2021 Bureau staff received email correspondence from the Institution's Attorney stating that he plans to provide answers to the Bureau's questions by October 9, 2021.

On October 18, 2021, Bureau staff sent email correspondence to the Institution's Attorney inquiring if he had the chance to speak to the Institution's Owner. That same day, Bureau staff received email correspondence from the Institution's Attorney stating the deposits are a part of the total course price, all signups are done through the Institution's website, and most live trainings sessions occur outside of California, though a few are conducted at the Institution's address.

As of December 27, 2021, the Institution is continuing to offer courses over \$2,500 and is therefore operating without Bureau approval or a valid exemption.

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including www.browsbylinnie.net/, and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including, but not limited to, (657) 342-0149, that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Assessment of Fine

The fine for this violation is \$50,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$50,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **\$50,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of 5, CCR section 75020 (b) the Bureau hereby issues the order(s) of abatement described above. In accordance with Business and Professions Code Section 149, the Bureau may disconnect any telephone service numbers used by an unapproved Institution. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **February 4, 2022**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **January 5, 2022**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **February 4, 2022**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 574-7427 or Cheryl.Lardizabal@dca.ca.gov.

“Original signature on file”

“1/5/2022”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail